

REMARKS

This paper is intended to be a complete response to the above-identified Office Action. Claims 1-3, 13-15, 26, 35 and 72 have been amended. No claims have been added. Claims 44-71 were previously cancelled. Accordingly, claims 1-43 and 72-75 are currently pending.

Prior Art Rejections

In responding to the Examiner's prior art rejections, Assignee here only justifies the patentability of the independent claims (*i.e.*, claims 1, 13, 26, 35, 43, and 73-75). As the Examiner will appreciate, should these independent claims be patentable over the prior art, dependent claims would also necessarily be patentable. Accordingly, Assignee does not separately discuss the patentability of the dependent claims, although Assignee reserves the right to do so.

Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected independent claims 1, 13, 26, 35, 43, and 73-75 as allegedly being anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 5,862,252 to Yamamoto et al. ("Yamamoto"). Office Action dated 22 June 2010 at pg. 2.

The Examiner is reminded, for a sustainable 35 U.S.C. § 102 rejection, "[t]he identical invention must be shown ***in as complete detail*** as is contained in the ... claim." M.P.E.P. § 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d (BNA) 1913, 1920 (Fed. Cir. 1989) (emphasis added). Furthermore, "[t]he elements ***must be arranged*** as required by the claim..." M.P.E.P. § 2131 quoting *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990) (emphasis added).

Yamamoto is directed to "[a]n image processing method and apparatus using the method, [that] allows a target object to be displayed in a 3-D manner. A number of types of ***shape data*** with different resolutions for displaying the object are provided and the resolution of shape data used [in] the 3-D image display is decided in

accordance with a display condition. The object is displayed in the form of a 3-D image by **employing the shape data** with the decided resolution.” Yamamoto at Abstract (emphasis added). Yamamoto further discloses “**generating** a 3-D geometrical shape using **triangular patches**.” Yamamoto at Col. 1 Ins. 19-21 (emphasis added). Simply put, Yamamoto discloses a method of storing shape data in different resolutions for later use in **generating** a 3-D image of a target object **using vector graphics**¹.

Firstly, in response to Assignee’s previous arguments, the Examiner asserts “Yamamoto teaches generating and displaying a 3D object made up of a plurality of shape **images** (see Yamamoto Abstract). Office Action dated 22 June 2010 at p. 12 (emphasis added). However, the Examiner is wrong when he claims Yamamoto uses “shape images” because Yamamoto at no time uses the term “shape image.” Yamamoto uses the term “shape data” because the information contained in Yamamoto’s shape data permits “the generation of a 3-D image, taking the point positions in a 3-D space as a group of **generating points of a Delaunay triangulation net**.” Yamamoto at Col. 4 Ins. 57-60. Yamamoto’s shape data is expressly defined in terms of coordinate locations for generating a 3-D image using vector graphics based techniques.

Secondly, anyone of ordinary skill in the art would recognize, the entire disclosure of Yamamoto is directed to utilizing **vector graphics**. “Vector drawing is based on a set of primitive shapes that are defined in terms of coordinate locations, line thickness, fill colors and other mathematical parameters.” Arthur C. Luther & Andrew F. Inglis, Video Engineering 379 (Stephen S. Chapman ed., McGraw-Hill 1999) excerpt provided in the accompanying Evidence Appendix. Examples, of primitive shapes include lines, rectangles, ellipses, polygons, etc. Yamamoto’s disclosure explains “a generating step for generating a model having a 3-D geometrical shape by employing **triangular patches** making use of the Delaunay triangulation net in accordance with

¹ See Evidence Appendix for definitions showing that vector graphics generates images from mathematical descriptions (typically based on polygons) and raster graphics generates images from pixels.

points entered in the input step.” Yamamoto at Col. 5 Ins. 59-63. Clearly, Yamamoto utilizes ***vector graphics***.

In contrast, amended independent claim 1 recites, *inter alia*, “an image preview comprises a ***pixel based*** graphical representation of the at least one image.” Raster graphics is defined as “a method of generating graphics that treats an image as a collection of small, independently controlled dots (pixels) arranged in rows and columns.” Microsoft Press Computer Dictionary 396 (Microsoft Press 1997) excerpt provided in the accompanying Evidence Appendix. Because independent claim 1 expressly states an image preview is pixel based and Yamamoto is silent as to a pixel based image preview Yamamoto cannot anticipate independent claim 1.

Yamamoto does not describe or even suggest storing a plurality of pixel resolutions of a pixel based image as an image preview (or in an image preview data set as recited in independent claims 13 and 35) for later use. As a consequence, Yamamoto does not disclose all elements of the claimed invention. Thus, Yamamoto cannot legitimately be used as the basis of a section 102 rejection. Furthermore, it does not appear that Yamamoto could be modified to disclose the elements of claim 1 because any such attempted modification would clearly change the principle of operation disclosed in Yamamoto. See discussion below with respect to the Examiner’s section 103 rejections.

In addition, while the Examiner is allowed to give claims their broadest reasonable interpretation, that interpretation ***must*** be consistent with the Specification. It is clearly inconsistent with the Specification and the plain language of amended claim 1 to assert Yamamoto’s “shape data” (vector graphics input data) can in any way anticipate the claimed “image preview” (a pixel based graphical representation of an image) as the two representational formats are fundamentally different. See discussion below with respect to the Examiner’s section 103 rejections. Based on this clarification, Assignee respectfully requests the Examiner withdraw this rejection.

Claims 2-12 and 72 depend from independent claim 1. Assignee has shown above that amended independent claim 1 is patentable over the cited art. As a

consequence, claims 2-12 and 72 are also patentable over the cited art. Accordingly, Assignee respectfully requests the Examiner withdraw the rejection and pass claims 1-12 and 72 to allowance.

The Examiner has rejected independent claims 13, 26, 35 and 43 using substantially the same rationale as applied to independent claim 1. As a result, the above argument applies to these independent claims with equal force. As Assignee has shown above, Yamamoto cannot anticipate these independent claims. Accordingly, their corresponding dependent claims cannot be anticipated by the cited reference. Therefore, Assignee respectfully requests the Examiner withdraw the rejection and pass claims 13-43 to allowance.

Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected dependent claims 5 and 17 as allegedly being obvious under 35 U.S.C. 103(a) over Yamamoto in view of U.S. Patent No. 5,602,564 to Iwamura et al. ("Iwamura"). Office Action dated 22 June 2010 at p. 9.

As Assignee has shown above, Yamamoto does not disclose each and every limitation of the independent claims from which claims 5 and 17 depend. Additionally, attempting to change Yamamoto from a vector graphics implementation to a raster graphics implementation would impermissibly render Yamamoto unsatisfactory for its intended purpose **and** impermissibly change the principle of operation of Yamamoto (see M.P.E.P. 2143.01 (V and VII)). As shown in the accompanying Evidence Appendix, vector based graphics operations such as that described in Yamamoto operate in a fundamentally different manner than pixel based operations such as those recited in independent claim 1. Therefore, Yamamoto fails as a primary reference and, as a consequence, the combination of Yamamoto and Iwamura (or Yamamoto with any other reference) cannot render claims 5 and 17 obvious. Accordingly, Assignee respectfully requests the Examiner withdraw this rejection.

The Examiner has rejected dependent claims 7-8, 19-20, 27-28 and 36-39 as allegedly being obvious under 35 U.S.C. 103(a) over Yamamoto in view of U.S. Patent No. 6,215,523 to Anderson ("Anderson"). Office Action dated 22 June 2010 at p. 10.

As Assignee has shown above, Yamamoto does not disclose each and every limitation of the independent claims from which claims 7-8, 19-20, 27-28 and 36-39 depend. Also, Yamamoto fails as a primary reference for **any** proposed obviousness rejection of the current claims. Therefore, Yamamoto combined with Anderson cannot render claims 7-8, 19-20, 27-28 and 36-39 obvious. Accordingly, Assignee respectfully requests the Examiner withdraw this rejection.

CONCLUSION

This paper is intended to be a complete response to the above-identified Office Action. Assignee believes no unpaid fees are due. However, if it is found that additional fees are due, the Commissioner is authorized to deduct the necessary charges from Deposit Account: 501922/119-0028US.

Reconsideration of pending claims 1-43 and 72-75 light of the above remarks is respectfully requested. If, after considering this Reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

Respectfully submitted,

/William M. Hubbard/

William M. Hubbard, J.D.
Reg. No. 58,935

Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.

Customer No. 29855	Voice: 832-446-2445
20333 SH 249, Suite 600	Mobile: 713-302-4648
Houston, Texas 77070	Facsimile: 832-446-2424
Email: wcpatent@counselip.com	